

Iowa Department of Human Services
CHILD CARE CENTER COMPLAINT

Name of Center: Pooh's Corner		Enrollment: 73	License ID: 4131000012
Street: 3507 Keystone Dr	City: Dubuque	IA Zip Code: 52001	County: Dubuque
Mailing Address: 3507 Keystone Dr			
Mailing City: Dubuque	IA	Zip Code: 52001	
Director's Name: Kim Meyer		Center Phone Number: 563-583-8275	
On-Site Supervisors: none		E-Mail Address: kim.poohscorner@gmail.com	

Date of Complaint: 10/15/2013

Date of Visit: 11/18/2013

☐ Scheduled ☒ Unannounced ☐ NA

☒ Non-Compliance with Regulations Found ☐ Compliance with Regulations Found ☐ NA

RECOMMENDATION FOR LICENSE

[X] NO CHANGES to licensing status recommended

[] **PROVISIONAL** license from _____ to _____

[] SUSPENSION of License

[] **REVOCATION of License**

Summary of Complaint:

It is alleged that on 10/11/13 staff Amanda grabbed a three year old child by the upper arm leaving a two inch mark that was later visible. Additional information indicated the child was having behavioral problems. The child was taken to the kitchen area to be with the assistant director Dana to give the room staff a break. The child indicated that staff Amanda had grabbed the child's arm, and the child was asking for an ice pack. The director was made aware of this and asked staff Amanda and the other staff in the room staff Cheri who both denied anything had happened.

Licensing Rules Relevant to the Complaint:

109.12(2) a-d Discipline does not allow - corporal punishment; punishment that causes humiliation, fear, pain or discomfort; locking children in an area or using mechanical restraints; associating with illness, toilet training, food or rest; or the use of verbal abuse, threats, or derogatory remarks about a child's family.
VIOLATED.

109.10(10) Written report is prepared by staff who observed incident and is provided to parent or person authorized to remove child.
 VIOLATED.

Inspection Findings:

Further information noted that staff Amanda had been terminated from her employment at the center after the director became aware of this concern. Information indicated that DHS worker, Bev Kueter, would also be visiting the center. The licensing consultant attempted to contact DHS Kueter to schedule a time when both could visit the center together, but learned that DHS Kueter had visited the center on 10/16/13 and 10/22/13.

Additional information was obtained from DHS Kueter, who visited the center and spoke to the director and other staff. DHS Kueter stated she met staff Dana who stated there was some disagreement initially about the situation as to whether this was an accidental injury, by the child falling and scraping the arm on a chair. Staff later felt uncomfortable with this explanation of the injury. Staff Amanda had left early on 10/11/13 and was not involved with children at the center after that time. DHS Kueter observed a faint scratch on the child's upper arm. DHS Kueter spoke with center owner/director Kim and staff Dana who indicated

the child can be difficult to manage and had been redirected on 10/11/13 by staff Amanda two or three times. DHS Kueter stated Kim stated she typically intervenes when this child is upset and takes the child to the kitchen. DHS Kueter stated Kim stated the child told Kim the child needed an ice pack for the child's arm because staff Amanda hurt the child. DHS Kueter stated Kim stated she did not think the scratch was inflicted because staff Amanda explained that the child fell into a chair. DHS Kueter stated Dana indicated, however, that there had been other concerns about staff Amanda, feeling she responds in an angry manner and being unable to remain calm in the face of behaviors. DHS Kueter spoke with other staff who discussed concerns that staff Amanda was rough with the children and yells at them all the time. Staff Amanda has been heard yelling at the children. Staff indicated Amanda might be observed forcibly sitting a child down on a chair. Another staff indicated staff Amanda was heard saying to the child, "I'm not going to put up with this today." No staff indicated actually seeing staff Amanda cause the injury to the child.

DHS Kueter met with former staff Amanda. She stated the child had been out of control on 10/11/13. She stated she did make the statement that she did not want to deal with the child on that day. She stated the child got mad and threw a chair. She stated the child has kicked and hit her and also tried to bite her. She stated she saw the scratch on the child's arm but thought the child got this when the child fell on the chair. DHS Kueter noted the chairs at the center did not appear to have any rough edges that might cause a scratch. DHS Kueter indicated former staff Amanda admitted she has gotten frustrated with caring for the children, yelling at the children, and recognizes a need to consider other employment. DHS Kueter indicated former staff Amanda's overall attitude with the children appeared negative and overly harsh.

The licensing consultant visited the center unannounced on 11/18/13 and further discussed the concerns with the center owner / director, Kim Meyer. Kim stated the child was grouped in the twos room. The child is a young three but was not yet toilet trained, and these children remain in this room. Kim stated the child was having repeated problems on 10/11/13. She had taken the child to the kitchen area three times. Kim stated staff Dana, her assistant, had also been dealing with the child that day. Kim stated on the second occasion, the child stated that staff Amanda hurt the child's foot. Kim stated she looked at the child's foot and did not see any injury. Kim stated it was on the third time of removing the child from the room that the child stated the child's arm was hurt. Kim stated she looked at the arm and saw a mark. Kim stated the child stated this to both she and staff Dana. Kim stated she did not believe the child, but staff Dana did. Kim stated the child is very intelligent, but the child has been known to say staff have caused an injury to the child when the staff knew that the child had indicated the child's father had caused the injury. Kim further stated she knew there had been some division in the staff, and that staff did not like Amanda.

Kim stated she spoke to the two staff in the room immediately, Amanda and Cheri, and the staff indicated the child had been throwing chairs and that the child fell on a chair. Kim stated she put ice on the child's arm and took the child to the child's mother. She stated the mother looked at the mark and the mother said it looked like a scratch. The child then stayed in the threes room until leaving the center with the mother.

Kim stated a couple of the staff are friendly outside of work and had spoken over the weekend about this concern. Kim stated the father called and spoke to her on Monday, 10/14/13, with concerns about staff Amanda.

Kim stated she made the decision to terminate staff Amanda's employment then on Monday when Amanda arrived at the center. Kim stated she herself had not had any previous concerns regarding Amanda's interactions with the children. She stated she did write Amanda up once for "improper tone of voice", but this was based only on what Kim had been told by other staff. Kim stated other staff had indicated to her that they had concerns about Amanda being "harsh" on the kids. Kim stated this occurred two years ago and that Amanda had worked at the center for a total of three years.

Kim stated she is present at the center most of the time and is an integral part of the program rooms quite frequently.

Kim stated she did tell staff to complete an incident report that day, but she did not think that staff did this. She stated she found out later that staff Cheri did complete the incident report but did not have the mother sign it. When asked for the incident report today, Kim could not locate it.

The child's parent was spoken to also during this visit and confirmed that she was told about the incident at the center that day but that she never received a written incident report.

Special Notes and Action Required:

The center did not provide the parent with a written copy of the incident report per the rule and could not locate this document if it was created. The center is reminded of the rule regarding incident reporting and the written report required for this.

There is sufficient information to suggest that staff Amanda did lose her "cool" with the children as she herself admitted to this even though she denied causing the injury to this child. Other staff interviewed separately also had concerns regarding the interactions between staff Amanda and the children on more than one occasion (yelling at children, inappropriate comments to the children, and

rough handling of the children). This was brought to the director's attention in the past. It is noted that the director appears to be the only person who did not have concerns for staff Amanda's interactions. Regardless, the outcome of this situation was that the director did take sufficient action, and this staff person was not involved with children shortly after this incident occurred.

It is further noted that children should not be in the kitchen area at any time. The center will need to come up with a different supervised location for when a child needs to be removed from the regular program space for whatever reason.

The director and all staff are strongly reminded of their responsibility as mandatory reporters of suspected child abuse. In a situation as this where a child indicates that a staff person hurt the child, a report should be made to DHS immediately following the protocol set forth by the rule. It is not up to the director or staff to "decide" on their own whether or not abuse occurred. All center staff, including the director, should be well versed in these procedures as this training certification is a licensing requirement. It is also a requirement that the center visibly post the mandatory reporter requirements at the center which can then also be easily referred to. If there is any confusion as to the requirements as mandatory reporters for the director or any of her staff, then it is recommended that all complete the mandatory reporter training again now.

I am asking that the center director respond to me in writing as to how she and her staff have been reminded of the mandatory reporting procedures and protocol. This should indicate that staff either completed the formal training again (and provide copies of their certificates) and/or that a staff meeting has occurred and all staff (and director) sign off that they have received a review of the requirements including the date this review occurred. The director shall also review with staff the requirements for incident reporting (both minor and serious) and the written report requirements. This also can be documented that a staff meeting has taken place where this was discussed with all staff and staff (and director) sign and date that they have received this review of rule. The written response shall be sent to the licensing consultant with 10 days of the receipt of this report.

Heidi Hungate, MSW
DHS Child Care Licensing Consultant

Consultant's Signature:

A handwritten signature in cursive script, appearing to read "Heidi L. Hungate".

Date:

11/26/2013